

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11189 of 2022

Timathi Raita @ Timothy Raita* *Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha and another* *Opposite Parties

Mr. P.K. Maharaj, ASC

Mr. R. Dangri, Adv (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

16.12.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel Mr. R. Dangri has entered appearance on behalf of the informant. Vakalatnama is taken on record. Name of Mr. Dangri be reflected in the file as well as in the cause list and in the CMS of this Court.

3. The petitioner is an accused in G.R. Case No.17 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Judge, Paralakhemundi, Gajapati, arising out of Adava P.S. Case No.75 of 2022, for commission of alleged offences under Sections 363/366/376(2)(n)/376(3) of IPC read with Section 6 of POCSO Act and is in custody since 06.06.2022.

4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-Additional Sessions Judge, Paralakhemundi, Gajapati by order dated

19.10.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted that the petitioner is in custody since 06.06.2022 and as charge sheet has already been filed on 08.07.2022, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail.

7. Perused the 164 Cr.P.C. statement of the victim.

8. Considering the tenor thereof and filing of charge sheet and period of custody, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station once every week on such date and time be fixed by the learned Court in seisin till conclusion of trial.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge

Santoshi